UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,184	07/10/2001	Robert Craig Murphy	023895/257911	7537

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EXAMINER
LY, ANH

ART UNIT	PAPER NUMBER
2162	

MAIL DATE	DELIVERY MODE
10/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	09/902,184	MURPHY ET AL.
	Examiner	Art Unit
	ANH LY	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>17 September 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-28,30,32-35,37,39-42,44,46 and 47</u>.

   Claim(s) withdrawn from consideration: <u>29,31,36,38,43 and 45</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   (see continuation sheet).

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

                              /JEAN B. FLEURANTIN/
                              Primary Examiner, Art Unit 2162

Continuation of 11. does NOT place the application in condition for allowance because:

The prior art of record teaches the claimed limitations as indicated in the previous Office action.

Applicant argued that, "Neither Walker nor Sehr teaches or suggests that the first and second data records are compared to determine if an identifier has been assigned for the customer and then assigning an identifier based on the determination that an identifier has not been assigned, as recited by claims 1, 7, 13, and 19." (pages 2-3, in the remarks).

In response to Applicant's arguments, Examiner respectfully disagrees as Walker et al. (Patent Number: 6,134,534, hereinafter as WALKER) teaches comparing the CPO against the CPO rules of each airline and determines whether to accept, reject or counter the CPO on behalf of an airline (generating a response for the airline to the given CPO) (see fig 16, col. 10, lines 12-16, col. 19, lines 5-67 and col. 21, lines 52-65). And WALKER also teaches using a test procedure to determine or verify the identifier that has not assigned to the customer: figs. 16s' col. 13, lines 8-25; col. 21, lines 7-52). In addtion to, SEHR teaches comparing the passengers being admitted against the list of authorized passengers or the carrier's maximum capacity (page 6, 0047). To establish the cardholder's identity, the card-based signature will be compared with the "life" signature or biometrics provided by the passenger. If the comparison is successful, the cardholder is legitimate; otherwise a message will be conveyed that a positive identification could not be established (0062). Sehr teaches comparing the biometrics information comprising digital fingerprint, as a fingerprint identifier of a particular customer or passenger with the record previously stored and existing information or customer identifier- first and second data record, assigned to the particular customer (page 35, 0035, lines 1-10, page 7, 0049, page 13, 0081 and 0083; also see para. 0047, 0062, 0066 and 0079).

Applicant argued that, "Walker does not teach or suggest assigning an identifier based on the determination that an identifier has not been assigned, as recited by Claims 1, 7, 13, and 19." (pages 3-4, in the remarks).

In response to Applicant's arguments, Examiner respectfully disagrees as WALKER teaches a plurality of data storage devices storing the client or customer information for central reservation system and airlines reservation system data, each data source or database containing identifying information for each client or customer including customer ID or customer identifier from which it is used to identify a particular customer or entity associated with customer database; also customer detail is used to describe the customer identified by customer identifier. Walker also teaches ID number of customer is utilized as cross-reference the corresponding information for the stored customer in the customer database between the reservation systems and each client is assigned an identifier based on the stored database: such as customer ID or CPO ID for CPO customer and a test procedure to determine or verify the identifier that has not assigned to the customer: figs. 16s' col. 13 lines 8-25; col. 21, lines 7-52; see fig. 1, 4, and 6-7, 16 and col. 14, lines 5-32, col. 15, lines 30-47 and col. 17, lines 5-25).

Applicant argued that, "Applicants argued that the cited references did not teach or suggest a master data store including for each customer a unique identifier identifying the customer and a list of the electronic facilities that contain information for the customer along with the identification for the customer used by each electronic storage facility, as recited by independent Claims 23 and 25 ." (pages 5-6, in the remarks).

In response to Applicant's arguments, Examiner respectfully disagrees as Coates teaches the storage cluster consists of distributed object storage managers ("DOSMs") 320 and intelligent storage nodes the storage center includes a plurality of distributed object storage managers (DOSMs) and a storage cluster that includes a plurality of intelligent storage nodes, the DOSM file lookup table stores, in the file identification column, the 128 bit string, with the file designation "MD5." The second column of the DOSM file lookup table stores the IP address of the intelligent storage node that stores the object file (e.g., "10.3.100.1"). The third column, labeled disk ID, stores an integer value that identifies the specific disk drive on the intelligent storage node that stores the object file. The customer ID is a network storage system identifier used to uniquely identify the client. The customer name is the real name associated with a customer. For the first example entry in the customer table, "customer A" has a customer ID of "1 ." The customer reserved fields provide storage reserved for use by the client. The customer ID, the same customer ID stored in the customer table, uniquely identifies the client. For the example entries in folder table, the customer ID of "3" identifies that the folders have been assigned to "customer C." The folder ID identifies the specific folder for that entry: abstract, and figs. 6, 7 and 12, col. 7, lines 1-25, col. 11, lines 12-54 and col. 15, lines 15-57). Thus, identifying information includes: Disk ID or Folder ID is storage identifier, customer ID is for identifying customer information and also, metadata is information/data related to identifying customer. Also, a list of storage resource locators (SRL) for a unique identifier of file storages in the storage cluster: abstract, col. 5, lines 50-54, col. 7, lines 1-16 and col. 9, lines 12-67).

For the above reasons, Examiner believed that rejection of the last Office action was proper. Thus, the Examiner maintains the rejection. /AL/